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-- REMARKS --

The present amendment replies to a First Non-Final Office Action dated April 26, 2004. The Applicant would like to thank the Examiner for granting the interview conducted on July 13, 2004. Claims 1 and 11 have been amended herein to more specifically point out and distinctly claim the present invention. No new matter has been introduced by the amendment to the claims.

The Examiner rejected pending claims 1-20 on various grounds. The Applicant responds to each ground of rejection as subsequently recited herein, and respectfully request reconsideration and further examination of the present application under 37 CFR § 1.112.

A. Claims 1-2, 6-7, 9-12, 16-17, and 19-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over O'Brien et al. (USPN 6,351,776) and in view of Millard (USPN 6,122,738)

The Examiner rejected claims 1-2, 6-7, 9-12, 16-17, and 19-20 under 35 U.S.C. § 103(a) as being unpatentable over O'Brien et al. (USPN 6,351,776) in view of Millard (USPN 6,122,738). The Applicant has thoroughly read the cited art and has thoroughly considered the Examiner's remarks concerning the aforementioned rejections. This rejection is traversed.

As the Examiner is well aware, in order to make a *prima facie* case of obviousness under § 103(a), all of the *claimed* elements of the invention must be taught or suggested by the prior art (MPEP § 2143.03). In other words, obviousness cannot be established by combining the teaching of prior art to produce the claimed invention, absent some teaching or suggestions supporting the combination. Under Section 103, teachings can be combined only if there is some suggestion or incentive to do so. *ACS Hospital Systems, Inc. v. Montefiore Hospital*, 732 F.2d 1572, 1577 (Fed. Cir. 1984). There is no teaching in the cited prior art references to prompt one of ordinary skill in the art to combine these references to arrive at the invention as claimed. It is impossible within the framework of Section 103 to pick and choose from any one reference only so much of it as will support a given position to the exclusion of other parts necessary to

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the full appreciation of what such reference fairly suggests to one skilled in the art. *See, generally, Bausch & Lomb, Inc. v. Barnes-Hind/Hydrocurve*, 230 USPQ 416, 419 (Fed Cir. 1986).

Independent claims 1 and 11, have been amended herein to more specifically point out and distinctly claim the present invention. Said claims now recite the limitations of determining a usage profile including a running usage register of the member, and performing a maintenance function based on a database and the usage profile. O'Brien alone or in combination with Millard does not teach or suggest these claimed limitations.

Regarding independent claims 1 and 11, the Applicant respectfully disagrees with the Examiner's assertion that O'Brien teaches the claimed step of "determining a usage profile of the member" wherein the client may request an access to the X-drive which is an Internet hard drive. O'Brien does not disclose, teach, or suggest the use or formation of a usage profile including a running usage register. A hard drive request as disclosed by O'Brien may lead to a determination that the client computer is actively being used at that instant, but only at that instant. O'Brien, however, is silent as to how this request may lead to a determination of an overall usage profile. It is simply not possible to determine times of computer inactivity using the disclosure of O'Brien. For example, assume that the client computer is not actively accessing the X-drive. At that time, the client computer may or may not be actively performing other functions (e.g., in "use"). O'Brien does not provide a solution as to the discernment of assessing client computer activity or "use" during times of non-access to the X-drive.

In contrast, a usage profile of the present invention, however, provides means for assessing both computer activity and inactivity (i.e., by actively monitoring keyboard input, mouse movement, hard drive and CPU activity, etc., over a period of time). Further, a running usage register is compiled for a grid member (client computer) thereby facilitating predictions of future usage patterns (See: Application p. 7, lines 8-10).

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As explicitly defined in the specification of the application (p. 7, lines 25-27), "the usage profile permits the master program to perform maintenance functions when normal client activity is low. Therefore, disruptions in client computer performance may be minimized". The maintenance functions of the present invention are performed based on the usage profile. Without truly knowing when the client computer is inactive or not in "use", as is the case with O'Brien, many of the maintenance functions would not operate properly and/or would conflict with active "use" of the computer (i.e., an ongoing file archive function may deprive vital computer resources from the user while he/she was "using" the computer simultaneously). Therefore, O'Brien does not disclose, teach, or suggest the determination of a usage profile including a running usage register.

Further regarding independent claims 1 and 11, the Applicant respectfully disagrees with the assertion that O'Brien teaches the claimed step of "performing a maintenance function based on the database" wherein the database is archived in order to access alternate database. O'Brien discloses that the database object 236, which is not a database in and of itself but more like a file, determines the database operation to be performed and/or to which database to send operations based on the type of request it receives. The request originates from a client at the command of users. Therefore, the maintenance function of O'Brien is based on a user request and not on a database itself as is recited in claims 1 and 11 of the present application. Claims 1 and 11 have been amended herein to further include the limitation that the maintenance function is performed based on a usage profile including a running usage register. As previously discussed, O'Brien does not disclose, teach, or suggest the use or formation of a usage profile including a running usage register. Therefore, O'Brien does not disclose, teach, or suggest the performing a maintenance function based on the database and the usage profile. The rejections to claims 1 and 11 are thereby obviated by the above discussion. Withdrawal of the rejections to claims 1 and 11 under 35 U.S.C. § 103(a) is respectfully requested.

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Claims 2 and 12 depend from independent claims 1 and 11, respectively, and therefore include each and every limitation of claims 1 or 11. Therefore, claims 2 and 12 should be allowed over O'Brien in light of Millard for at least the same reasons provided for claims 1 and 11. The rejections to claims 2 and 12 are thereby obviated. Withdrawal of the rejections to claims 2 and 12 under 35 U.S.C. § 103(a) is respectfully requested.

Claims 6 and 16 depend from independent claims 1 and 11, respectively, and therefore include each and every limitation of claims 1 and 11. Therefore, claims 6 and 16 should be allowed over O'Brien in light of Millard for at least the same reasons provided for claims 1 and 11. The rejections to claims 6 and 16 are thereby obviated. Withdrawal of the rejections to claims 6 and 16 under 35 U.S.C. § 103(a) is respectfully requested.

Regarding dependent claims 7 and 17, the Applicant respectfully disagrees with the assertion that O'Brien teaches the claimed step of "performing the maintenance function comprises: determining a corrupt file based on the fingerprint and repairing the corrupt file" in order to virus scan and fix the file using NORTON software. The Examiner, when addressing independent claim 1, acknowledges that "... O'Brien does not teach the creation of a CRC function (file fingerprints) for a file". In addition, NORTON Anti-Virus repairs infected files by comparing file information to a database of known virus codes, not via a fingerprint such as a CRC value. Therefore, O'Brien does not disclose, teach, or suggest the determination of a corrupt file based on a fingerprint. Furthermore, O'Brien in view of Millard does not disclose, teach, or suggest the use of fingerprints (CRC) for the purposes of running maintenance functions—Millard only discloses flagging a user when a file fails a CRC check. Therefore, claims 7 and 17 should be allowed over O'Brien in light of Millard. The rejections to claims 7 and 17 are thereby obviated. Withdrawal of the rejections to claims 7 and 17 under 35 U.S.C. § 103(a) is respectfully requested.

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Regarding dependent claims 9 and 19, the Applicant respectfully disagrees with the assertion that O'Brien teaches the claimed step of "performing the maintenance function comprises: determining a member disk capacity and performing the maintenance function based on the member disk capacity" wherein the user is provided with information necessary to delete or remove files so that the disk free space will be increased. Although a user is free to delete files thereby liberating disk space via X-drive access, O'Brien does not disclose, teach, or suggest either the determination or communication of disk capacity information to the user for making such decisions. Therefore, O'Brien does not disclose, teach, or suggest the determination of a member disk capacity and performing the maintenance function based on the member disk capacity. Therefore, claims 9 and 19 should be allowed over O'Brien in light of Millard. The rejections to claims 9 and 19 are thereby obviated. Withdrawal of the rejections to claims 9 and 19 under 35 U.S.C. § 103(a) is respectfully requested.

Regarding dependent claims 10 and 20, the Applicant respectfully disagrees with the assertion that O'Brien teaches the claimed step of "performing the maintenance function comprises: determining an optimal maintenance time of the member based on the usage profile and performing the maintenance function at the optimal maintenance time" wherein to maintain more efficient operation, the database object generally sends session users to the same database. O'Brien discloses the routing of requests to an appropriate database. O'Brien is silent as to the determination of an optimal maintenance time (e.g., periods of computer inactivity) as well as performing maintenance functions at that time. As previously discussed, O'Brien does not disclose, teach, or suggest the use or formation of a usage profile including a running usage register. Therefore, O'Brien does not disclose, teach, or suggest the determination of an optimal maintenance time based on the usage profile and performing the maintenance function at the optimal maintenance time. Therefore, claims 10 and 20 should be allowed over O'Brien in light of Millard. The rejections to claims 10 and 20 are thereby obviated. Withdrawal of the rejections to claims 10 and 20 under 35 U.S.C. § 103(a) is respectfully requested.

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B. Claims 3-5, 8, 13-15, and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over O'Brien et al. (USPN 6,351,776) in view of Millard (USPN 6,122,738) and further in view of Cane et al. (USPN 6,101,507).

The Examiner rejected claims 3-5, 8, 13-15, and 18 under 35 U.S.C. § 103(a) as being unpatentable over O'Brien et al. (USPN 6,351,776) in view of Millard (USPN 6,122,738) and further in view of Cane et al. (USPN 6,101,507). The Applicant has thoroughly read the cited references and has thoroughly considered the Examiner's remarks concerning the aforementioned rejections. This rejection is traversed.

Independent claims 1 and 11 are allowable over O'Brien, in view of Millard and in further view of Cane for at least the same reasons as stated above relating to claims 1 and 11. These references, alone or in combination fail to teach, or suggest all of the claim limitations of independent claims 1 and 11. Therefore the Examiner's finding of obviousness cannot stand.

Claims 3 and 13 depend from independent claims 1 and 11, respectively, and therefore include each and every limitation of claims 1 or 11. Therefore, claims 3 and 13 should be allowed over O'Brien in light of Millard and Cane for at least the same reasons provided for claims 1 and 11. The rejections to claims 3 and 13 are thereby obviated. Withdrawal of the rejections to claims 3 and 13 under 35 U.S.C. § 103(a) is respectfully requested.

Regarding dependent claims 4 and 14, the Applicant respectfully disagrees with the assertion that Cane teaches the claimed step of "identifying at least one exempt member wherein the exempt member is exempt from the maintenance function" wherein a digital signature is stored with the file (Fig. 1, col. 3, lines 34-60). Cane discloses the use of digital signatures, which are used to match data characters generated within a window 30, not for exemption of maintenance functions. Therefore, Cane does not disclose, teach, or suggest the identification of at least one exempt member wherein the exempt member is exempt from the maintenance function. Therefore, claims 4 and 14 should be allowed over O'Brien in light of Millard and Cane. The rejections to claims 4 and 14 are thereby obviated. Withdrawal of the rejections to claims 4 and 14 under 35 U.S.C. § 103(a) is respectfully requested.

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Claims 5 and 15 depend from independent claims 1 and 11, respectively, and therefore include each and every limitation of claims 1 and 11. Therefore, claims 5 and 15 should be allowed over O'Brien in light of Millard and Cane for at least the same reasons provided for claims 1 and 11. The rejections to claims 5 and 15 are thereby obviated. Withdrawal of the rejections to claims 5 and 15 under 35 U.S.C. § 103(a) is respectfully requested.

Claims 8 and 18 depend from independent claims 1 and 11, respectively, and therefore include each and every limitation of claims 1 and 11. Therefore, claims 8 and 18 should be allowed over O'Brien in light of Millard and Cane for at least the same reasons provided for claims 1 and 11. The rejections to claims 8 and 18 are thereby obviated. Withdrawal of the rejections to claims 8 and 18 under 35 U.S.C. § 103(a) is respectfully requested.

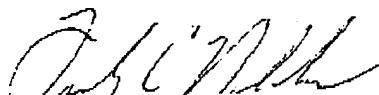
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SUMMARY

The Examiner's 35 U.S.C. § 103(a) rejections have been obviated by the amendments to claims 1 and 11 and the above remarks. The Applicant respectfully submits that claims 1-20 fully satisfy the requirements of 35 U.S.C. §§102, 103 and 112. In view of the foregoing, favorable consideration and early passage to issue of the present application is respectfully requested.

Dated: July 26, 2004

Respectfully submitted,
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